

AN ORDINANCE

Clair Muller

BY COUNCILMEMBER CLAIR MULLER

AN ORDINANCE TO TRANSFER THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CODE OF ORDINANCES FOR THE RESIDENTIAL SUBDIVISION SD-04-65 LOCATED AT 1480 WEST WESLEY ROAD, NW, TO THEN CONSTRUCT 271 LINEAR FEET OF 5' SIDEWALK AND CURBING ALONG THE SOUTH SIDE OF PEACHTREE BATTLE AVE., THAT SECTION BETWEEN HOWELL MILL ROAD AND WOODWARD WAY; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to the application of James Brearley of Weaver & Woodbery, Inc. for the Subdivision SD-04-53 located 1480 West Wesley Road, NW, the developer is required to comply with the provisions of Section 15-09.003 of the Code of Ordinances to provide sidewalks; and

WHEREAS, the construction of sidewalks and curbing along the frontage of 1480 West Wesley Road, NW would adversely affect the appearance and character of the neighborhood due to the lack of existing sidewalks along West Wesley Road, NW; and

WHEREAS, the intersection of Peachtree Battle and Howell Mill Road is not only heavily trafficked with vehicles but also by joggers, walkers, and mothers with baby strollers; and

WHEREAS, residents living along Peachtree Battle and other streets near Atlanta Memorial Park utilize the portion of Peachtree Battle between Howell Mill Road and Woodward Way as part of their walking or running course around and near the park; and

WHEREAS, this segment of Peachtree Battle is also without curbing, so the earth is very unstable at this location, which causes soil to erode and mud to run into the street and storm drains during rainstorms; and

WHEREAS, because of eminent safety concerns on Peachtree Battle Ave, sidewalks particularly along the south side between Howell Mill and Woodward Way, are an immediate priority; therefore, in lieu of sidewalks for 1480 West Wesley Road, NW, these sidewalks and curbing should be constructed along that segment of Peachtree Battle Avenue.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That the requirements of Section 15-09.003 of the Code of Ordinances are hereby transferred for the construction of 271 linear feet of 5' sidewalk and curbing (including two (2) driveways) that would have been constructed for SD-04-65 at 1480 West Wesley Road, NW.

SECTION 2: That all other requirements of the Code of Ordinances for the 1480 West Wesley Road, NW Subdivision shall remain in full force and effect.

SECTION 3: That all ordinances and parts of ordinances in conflict herewith be and the same are hereby waived.

A true copy,

[Signature]
Deputy Clerk

ADOPTED by the City Council
APPROVED by the Mayor

JUL 18, 2005
JUL 26, 2005

RCS# 6850
7/18/05
4:53 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 6-19

ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

		7/05/05
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 05-O-0663	31. 05-R-1226	52. 05-R-1265
2. 05-O-0666	32. 05-R-1227	53. 05-R-1266
3. 05-R-0900	33. 05-R-1228	54. 05-R-1267
4. 05-O-0901	34. 05-R-1302	55. 05-R-1268
5. 05-O-0902	35. 05-R-1303	56. 05-R-1269
6. 05-O-1294	36. 05-R-1304	57. 05-R-1270
7. 04-O-1363	37. 05-R-1318	58. 05-R-1271
8. 05-O-1129	38. 05-R-1220	59. 05-R-1272
9. 05-O-1131	39. 05-R-1250	60. 05-R-1273
10. 05-O-1132	40. 05-R-1252	61. 05-R-1274
11. 05-O-1133	41. 05-R-1295	62. 05-R-1275
12. 05-O-1134	42. 05-R-1255	63. 05-R-1276
13. 05-O-1135	43. 05-R-1256	64. 05-R-1277
14. 04-O-1973	44. 05-R-1257	65. 05-R-1278
15. 05-O-1126	45. 05-R-1258	66. 05-R-1279
16. 05-O-1128	46. 05-R-1259	67. 05-R-1280
17. 05-O-1296	47. 05-R-1260	68. 05-R-1281
18. 05-O-1300	48. 05-R-1261	69. 05-R-1283
19. 05-R-1140	49. 05-R-1262	70. 05-R-1284
20. 05-R-1320	50. 05-R-1263	71. 05-R-1285
21. 05-R-1215	51. 05-R-1264	
22. 05-R-1229		
23. 05-R-1254		
24. 05-R-1217		
25. 05-R-1218		
26. 05-R-1219		
27. 05-R-1251		
28. 05-R-1223		
29. 05-R-1224		
30. 05-R-1225		

#11

05-0-1300

(Do Not Write Above This Line)

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ADOPTED BY

JUL 18 2005

COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 07/05/05

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

JUL 18 2005

APPROVED
MAYOR'S ACTION

APPROVED
MAYOR'S ACTION